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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,144	10/07/2005	Guido Bortoluzzi	278627US3PCT	7170
22850	7590	06/26/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER KELLY, CATHERINE A	
			ART UNIT 3634	PAPER NUMBER
			NOTIFICATION DATE 06/26/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/552,144	Applicant(s) BORTOLUZZI, GUIDO	
	Examiner CATHERINE A. KELLY	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/7/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language of claim 28 renders the claim particularly difficult to interpret. Notably, the phrase “where combining a device is combined for the leading and control of the wide opening of the at least one shutter to be opened or to be closed for the respective overlapping and coplanarity” does not convey any meaning to the examiner even in light of the previous claims and specification. Examiner’s best interpretation of claim 28 is that it includes the features of claim 17 with the addition of a guide device, and the claim is examined as best understood.

Claims 29-31 depend from claim 28 and thus are subject to examiner’s previously stated interpretation of claim 28 and the claim is examined as best understood.

Further, claims 29 and 30 include “an elbow shaped transmission shaft.” Elbow shaped is indefinite as an elbow can cover a variety of angles from 0 to 180 degrees and numerous shapes and forms – what defines elbow shaped?.

Further, claim 31 includes "the ceiling" however no ceiling is recited in claim 28 from which 31 depends or 17 from which 28 depends. Thus, the ceiling lacks antecedent basis.

Further, claim 32 includes "implies" which is unclear as to whether the element is required or not.

The claims below are marked up to show examples of their indefiniteness:

Claim 25 (New): A sliding door according to claim 19, wherein the second carriages include a pulley – is there a single pulley for the plurality 2nd cartridges? And with a sliding wheel that slides on a track of the supporting profile, the profile including a shoulder for acting together with the support and guide of the at least one shutter during the translation along the rail.

Claim 26 (New): A sliding door according to claim 20, wherein one of the pulleys of the second carriages – multiple pulleys – claim 20 has only a pulley – is there one per 2nd carriage??? includes a flaring wide enough to rotate on the rail even when they are lightly tilted with respect to the axis of the same rail—how is this defined??

Claim 27 (New): Sliding door according to claim 20, wherein one of the second carriages includes a stop wheel acting as a shoulder on the track of the supporting profile, to assure linearity of the translation of the at least one shutter, also in case of pushes or uneven thrusts -i am not clear how this relates to what—what is pushed, what uneven thrusts??

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 17-28 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 4664690. The sliding door of claim 17 is shown in the '690 reference in figures 1, 2, and 4 where the cam guide is reference numeral 24, shutter 1 and 2, clamp 10, first carriages 20, and second carriages 15. The door shown in the '690 reference teaches the first carriage 20 moving relative to second carriage 15 in column 2 lines 61-68. However, the '690 reference teaches second carriage 15 attached to clamp 10 and thus to shutter 1. The claimed attachment of first carriage to shutter would be mere rearrangement of parts, see MPEP 2144.04 VI section C. It would have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill would be motivated to combine because the arrangement of parts is mere design choice based on factors such as manufacturing cost, time, etc...

Regarding claim 18, the movement of carriages and shutter is taught in the '690 reference in column 2 lines 61-68.

Regarding claim 19, the '690 reference shows the linkage of carriage and shutter via clamps in figure 1 where the shutter is reference numeral 1, clamp 10, and carriage 15. The linkage to the first carriage instead of the second carriage is mere rearrangement of parts, see MPEP 2144.04 VI section C. It would have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill would be motivated to combine because the arrangement of parts is mere design choice based on factors such as manufacturing cost, time, etc...

Regarding claim 20, the carriage specifics are shown in the '690 reference in figures 2 and 4 where the first carriage is reference numeral 20 with roller 23, second carriage 15 with pulley 14 sliding in rail 13.

Regarding claims 21-23, the placement of the carriage as attached to the shutter is shown in the '690 reference in figure 4 where carriages 20 are placed on shutter 1 towards the edges. The specific arrangement in the center or on the edge is mere rearrangement of parts. see MPEP 2144.04 VI section C. It would have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill would be motivated to combine because the arrangement of parts is mere design choice based on factors such as manufacturing cost, time, etc...

Regarding claim 24, the upper and lower carriages are shown in the '690 reference in figures 2 and 3 where figure 2 shows upper carriage 20 and figure 3 lower carriage 36 and further taught in column 2 lines 46-68 and column 3 lines 12-28.

Regarding claim 25, the carriage arrangement is shown in the '690 reference in figures 1 and 2 where carriage 15 has pulley 14 with sliding wheel with an axis in a different direction also 14 sliding along shoulder unnumbered but clearly seen on rail 13.

Regarding claim 26, the pulley arrangement is shown in the '690 reference in figures 2 and 4 where the pulleys 14 can rotate along rail 13 even when tilted slightly due to the taper or flare at the axel.

Regarding claim 27, the second carriage is shown in the '690 reference in figure 2 reference numeral 15 and examiner takes Official Notice that stop wheels are known in the art. It would have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill would be motivated to combine because the stop wheel can provide stability in the movement of the shutter which increases durability and ease of use, both of which are always desirable in the art.

Regarding claim 28, the second guide is shown in the '690 reference in figure 6 where the carriage is reference numeral 36 and further taught in column 3 lines 12-28 with guide slot 39. The claim is examined as best understood.

Regarding claim 32, the upper and lower carriages are shown in the '690 reference in figures 2 and 3 where figure 2 shows upper carriage 20 and figure 3 lower carriage 36 and further taught in column 2 lines 46-68 and column 3 lines 12-28.

As best understood, Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4644690 as applied to claim 28 above, and further in view of US patent 4608777. The '690 reference shows an upper pulley and lower guide in figure 1 where the pulley is reference numeral 14, pin 38 is attached to carriage 36 and is

guided in slot 39. However, the transmission shaft is not shown in the '690 reference. The shaft is shown in the '777 reference in figure 7a reference numeral 11 and held to shutter 6 via brackets 11. It would have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill would be motivated to combine because of the known benefits of using a guide similar to that in the '690 reference such as increased stability of door movement with the additional benefit of the full shutter shaft such as increased structural supported and limited swaying motion of the door, all of which are desirable in the art.

Regarding claim 30, one of ordinary skill in the art would be motivated to link the shaft to the pulley because it would provide additional guidance to the shutter movement and thus increased stability which is always desirable in the art.

Regarding claim 31, the lower guide is shown in the '690 reference as stated above in figure.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE A. KELLY whose telephone number is (571)270-3660. The examiner can normally be reached on Monday through Friday 8am - 4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. A. K./
Examiner, Art Unit 3634

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art
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